

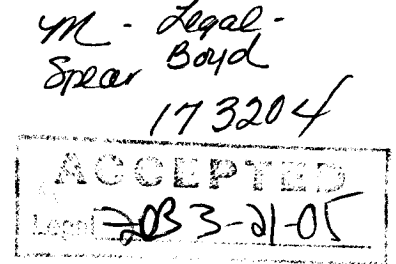
WILLOUGHBY & HOEFER, P.A.

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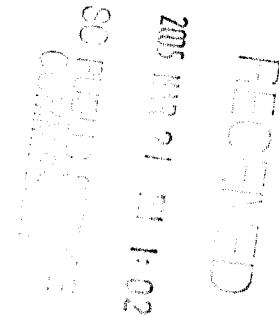
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March 21, 2005

VIA HAND DELIVERY

The Honorable Charles Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, South Carolina 29210



RE: South Carolina Electric & Gas Company - Annual Review of Base Rates for Fuel Costs; Docket No. 2005-2-E

Dear Mr. Terreni:

Enclosed for filing in the above-captioned matter is the Response in Opposition to SMI Steel's and SCEUC'S Joint Motion to Postpone Hearing. Please accept the original and ten (10) copies for filing. Please acknowledge your receipt of these documents by file stamping the enclosed extra copies and then returning these file stamped copies via the courier.

By copy of this letter, I am also serving the General Counsel of the Office of Regulatory Staff with this Response in Opposition as well as all intervenors and attach a certificate of service to that effect.

Copies of this response are also being provided for distribution to each Commissioner, for their consideration at the agenda meeting currently scheduled for 2:30 p.m. on March 22, 2005 in connection with SMI'S and SCEUC's joint motion.

If there are any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.

Mitchell Willoughby

Mitchell Willoughby

MW/jmb
enclosures

(Continued . . .)

The Honorable Charles Terreni

March 21, 2005

Page 2

cc: Catherine D. Taylor, Esquire
Florence Belser, Esquire
Scott Elliott, Esquire
John F. Beach, Esquire
Damon E. Xenopoulos, Esquire
Dr. James Spearman
Jocelyn Boyd, Esquire

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-2-E

SC PUBLIC SERVICE
COMMISSION
2005 MAR 21 PM 1:00
PROCESSED

IN RE:)	
)	
South Carolina Electric & Gas Company -)	RESPONSE IN OPPOSITION TO SMI
Annual Review of Base Rates for)	STEEL'S AND SCEUC'S JOINT
Fuel Costs)	MOTION TO POSTPONE HEARING
_____)	

On March 18, 2005, Intervenors SMI Steel – South Carolina (“SMI”) and South Carolina Energy Users Committee (“SCEUC”) jointly moved to postpone the scheduled hearing in this proceeding (“Motion to Postpone”). South Carolina Electric & Gas Company (“SCE&G”), through undersigned counsel, opposes the Motion to Postpone. The motion is untimely, appears to be a dilatory tactic, has no basis in fact or law, misstates fundamental facts, and should be denied.

FACTS

The Notice of Hearing was filed November 19, 2004. SCE&G provided bill inserts notifying customers of the hearing in the December bills to customers. SCEUC filed a motion to intervene on December 20, 2004. On January 25, 2005, SCE&G met with SCEUC as part of its continuing effort to inform customers about fuel costs and other matters impacting the cost of service.¹ During this meeting, SCE&G informed the representatives of SCEUC of the general magnitude and reasons for the fuel factor increase. See Exhibit A (copy of a presentation made to SCEUC on January 25, 2005, which included information related to fuel costs). During these

¹ SCE&G and representatives of SCEUC also participated in a conference call on March 4, 2005, to discuss the fuel cost proceeding and related issues.

information exchanges, SCE&G informed the representatives of SCEUC that its preliminary analysis indicated that the fuel factor would increase by a millage rate probably ranging between five (5) and seven (7) mills. The actual requested increase is in the bottom half of this range (actually 5.78 mills).

On January 21, 2005, the Commission issued a schedule requiring SCE&G to file testimony on March 2, with intervenor testimony due March 16. See Exhibit B. The hearing was initially scheduled for March 30, 2005. On January 27, 2005, the Office of Regulatory Staff (“ORS”) served its first data requests on SCE&G. SMI chose to wait until the last day to seek to intervene. Its Motion to Intervene was received by the Commission on February 1, 2005.² On February 25, 2005, ORS served SCE&G with a second data request. On March 2, 2005, SCE&G pre-filed with the Commission and served on SMI and SCEUC the testimony of its witnesses. On March 8, 2005, due to issues related to the Commission’s calendar, the Commission postponed for one week all remaining deadlines, including the date for SMI and SCEUC to file testimony and the hearing date. The effect of this postponement was that SMI and SCEUC were provided with an additional week to review the pre-filed testimony of SCE&G and to otherwise prepare their cases. On March 16, 2005, SMI filed a motion to admit its out-of-state counsel *pro hac vice*, and then on March 18 filed the motion to postpone the hearing.

FUEL COST STATUTE

Pursuant to South Carolina Code Ann. section 58-27-865(B), each electrical utility must submit to the Commission its estimates of fuel costs for the next twelve (12) months. Specifically, the statute states: “The commission shall direct each electrical utility which incurs fuel cost for the sale of electricity to submit to the commission . . . its estimates of fuel costs for

² The deadline for a motion to intervene was January 31, 2005, as established in the Notice of Hearing.

the next twelve months.” This procedure was established over 20 years ago and requires utilities to “true-up” the costs of fuel included in the cost of service, given the inherent uncertainty in forecasting fuel prices when setting rates. A public hearing is to be held between the twelve-month review periods. S.C. Code Ann. § 58-27-865(B) (stating that the Commission may hold hearings “at any time between the twelve-month reviews” and that “public hearings to be held every twelve months. . . .”). Following an investigation of these estimates and after the public hearing, the Commission directs each electrical utility “to place in effect in its base rate an amount designed to recover, *during the succeeding twelve months*, the fuel costs determined by the Commission to be appropriate for that period, adjusted for the over-recovery or under-recovery from the preceding twelve month period.” *Id.* (emphasis added); *see* Order No. 2005-32 at 6. This statutory scheme establishes successive twelve-month periods implementing a base fuel factor determined by the Commission in a hearing prior to the end of one twelve-month period for the utility to charge in the succeeding twelve-month period.

The Commission order issued in Docket No. 2004-2-E, SCE&G’s most recent fuel adjustment proceeding, sets the base fuel factor for the period of May 2004 through April 2005. Order No. 2005-32 at 9. Thus, to be consistent with the statute, the Commission must make a ruling in this proceeding before the end of April 2005, establishing the new fuel factor for the twelve-month period beginning with the first billing cycle in May 2005 and ending with the last billing cycle of April 2006. While SCE&G opposes any extension of time, if one is granted, it should be sufficiently short to allow the Commission time to complete its work and make its decision prior to the end of April 2005. For example, in SCE&G’s fuel adjustment proceeding last April, in which SCEUC was a party, the hearing was held on April 21 and 22 and the Commission ruled on April 27, allowing the implementation of the new base fuel factor in the

first billing cycle in May 2004. In accordance with the statutory mandate, that base fuel factor was approved for the twelve-month period beginning in May 2004 and ending in April 2005, which necessitates a decision by the Commission before the end of April to implement a new fuel factor for the next succeeding twelve-month period beginning in May 2005 and ending in April 2006. Such a time schedule is needed to comply with the requirements of section 58-27-865 and for the practical purpose of maintaining the uniformity and consistency needed by the utility and its customers and consistent with the Commission's long standing practice and custom.

ARGUMENT

While the movants have failed to cite the applicable Commission Rule, the motion can only have been made pursuant to Rule 103-862, which provides as follows:

Any party of record desiring a continuance shall, immediately upon receipt of notice of the hearing or as soon thereafter as facts requiring such continuance come to its knowledge, notify the Executive Director, stating in detail the reasons why such continuance is necessary. Unless good cause is shown, no such continuance shall be granted.

Therefore, it is incumbent upon SMI and SCEUC to demonstrate good cause to postpone the hearing date. Given the facts of this matter, it appears that the motion's primary purpose is to delay the hearing and the implementation of a new and valid fuel adjustment, which is certainly not good cause.

This fuel cost adjustment proceeding occurs annually at approximately the same time every year, which belies SMI's and SCEUC's attempt to characterize this proceeding as "extraordinary." The only thing "extraordinary" in this case is that SMI and SCEUC claims lack of notice about and lack of time to complete its review of a proceeding that has been an annual event for over 20 years. SCEUC made no such motion or argument in SCE&G's fuel adjustment

proceeding last year after it intervened two months later than it intervened in the current proceeding.

The real cause for the requested postponement is SMI's and SCEUC's own delays, tardiness, and inaction. SMI chose to wait until the very last date to even seek to intervene in the case, and then SMI and SCEUC chose to do absolutely nothing in terms of formal discovery until they filed discovery demands on March 8 and March 9, respectively. They insinuate that they required the pre-filed testimony to make discovery requests. ORS, however, did not need to wait. In fact, ORS propounded two sets of discovery requests, one on January 27 and another on February 25, before either SMI or SCEUC troubled themselves to serve discovery requests. And while SCEUC and SMI lament not receiving responses to their discovery requests from SCE&G earlier than the Commission's rules require, SMI and SCEUC fail to mention that SCE&G provided them each with three volumes (3 large three-ringed binders) of the responses to ORS's data requests, which data provides support for the fuel charge increase requested and SCE&G's testimony. These volumes were provided to SMI on March 10 and 11 and to SCEUC on March 10 and 15. In fact these data responses provide much of the information that SMI and SCEUC requested in their discovery requests. Nevertheless, for reasons known only to SMI and SCEUC, they both waited until the eve of the hearing to engage in any formal discovery. As of its due date of Friday, March 18, 2005, SMI was provided responses to its discovery requests.³ Also, as of its due date of Monday, March 21, 2005, SCEUC will be provided with responses to its discovery requests and SMI will be provided with copies thereof.

SCE&G is surprised by SCEUC joining in the motion with SMI. SCEUC intervened in this matter on December 20, 2005. Additionally, SCE&G held a meeting with representatives of

³ SCEUC was also provided with copies of the responses to SMI discovery requests on March 18, 2005.

SCEUC in January 2005 and conducted a telephone conference on March 4 during which the fuel clause proceeding was discussed, along with the proposed increase and the justification for the increase. For SCEUC to now assert that the pre-filed testimony was its “first notice” of the proposed increase is simply not accurate. In fact, one of the responses to an ORS data request includes a copy of a presentation made to SCEUC on January 25, 2005, showing an increase in fuel (coal) costs. See Exhibit A.

When applying these undisputed facts to Commission Rule 103-862, it is clear that no sufficient and reasonable cause exists to continue the hearing date. The real cause underlying SMI’s and SCEUC’s motion is that they desire more time to prepare because they delayed in acting. However, “a party cannot complain of an error which his own conduct has induced.” State v. Babb, 299 S.C. 451, 454, 385 S.E.2d 827, 829 (1989) (affirming denial of a motion for continuance when the “shortage of time to prepare” was the fault of the party itself); see Beasley v. Kerr McGee Chemical Corp., 273 S.C. 523, 276 S.E.2d 756 (1979) (affirming denial of motion for continuance made immediately before trial on the ground of inadequate time to prepare).

Commission Rule 103-862 makes it clear that the party seeking a continuance must act “immediately upon receipt of notice of the hearing or as soon thereafter as facts requiring such continuance come to its knowledge.” SMI and SCEUC did neither. On notice of the initial testimony filing schedule issued on January 21, 2005, neither SMI nor SCEUC acted or requested any modification or relief from the proposed schedule until March 18, nearly two months later and on the very eve of their testimony being due. Even on March 7, after receiving SCE&G’s pre-filed testimony, just nine days from the day their own pre-filed testimony was due, and without any further discovery in hand, neither SMI nor SCEUC raised any objection to the

scheduling of the March 30 hearing. Then, on March 8, the schedule was modified and SMI and SCEUC benefited from an extension of one week, allowing them to postpone filing their pre-filed testimony until March 23 with a hearing date of April 6. SMI and SCEUC then served discovery requests on March 8 and 9. On March 10-11 and 15 they were provided with copies of the three volumes of responses made to ORS data requests. SMI and SCEUC remained silent, however, waiting, delaying, and, as far as we know, doing nothing except looking for an excuse to delay the hearing. Their current motion is nothing more than a late request for a continuance based on their own failure to act prudently and in a timely manner. Given these facts, the request of SMI and SCEUC for more time to explore discovery and develop testimony is without merit or justification.

The fuel hearing pending before the Commission is limited in scope and clearly set forth by statute. This matter involves an adjustment to recognize the costs of fuel required to provide electrical service. SMI and SCEUC have been provided with significant discovery materials via copies of responses made to discovery requests made by ORS. Responses to SMI's and SCEUC's discovery requests have been or will be timely made. In summary, SMI and SCEUC have had more than adequate time to explore the narrow issues in this proceeding and prepare their testimony. See Daniel J. Hartwig Assocs., Inc. v. Kanner, 913 F.2d 1213, 1222-1223 (1990) (affirming denial of a continuance where "litigant fail[ed] to take advantage of opportunities to conduct discovery").

CONCLUSION

In conclusion, because SMI and SCEUC have failed to demonstrate good cause for any continuance, the motion to postpone the hearing should be denied.

Respectfully submitted,

A handwritten signature in black ink that reads "Mitchell Willoughby". The signature is fluid and cursive, with the first name "Mitchell" and last name "Willoughby" clearly distinguishable.

Mitchell Willoughby, Esquire

Willoughby & Hoefer, P.A.

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Phone: (803) 252-3300

mwilloughby@willoughbyhoefer.com

Catherine D. Taylor, Esquire

South Carolina Electric & Gas Company

The Palmetto Center

1430 Main Street, 13th Floor

Columbia, SC 29201

Phone: (803) 217-9356

cdtaylor@scana.com

March 21, 2005
Columbia, South Carolina

SCEUC MEETING

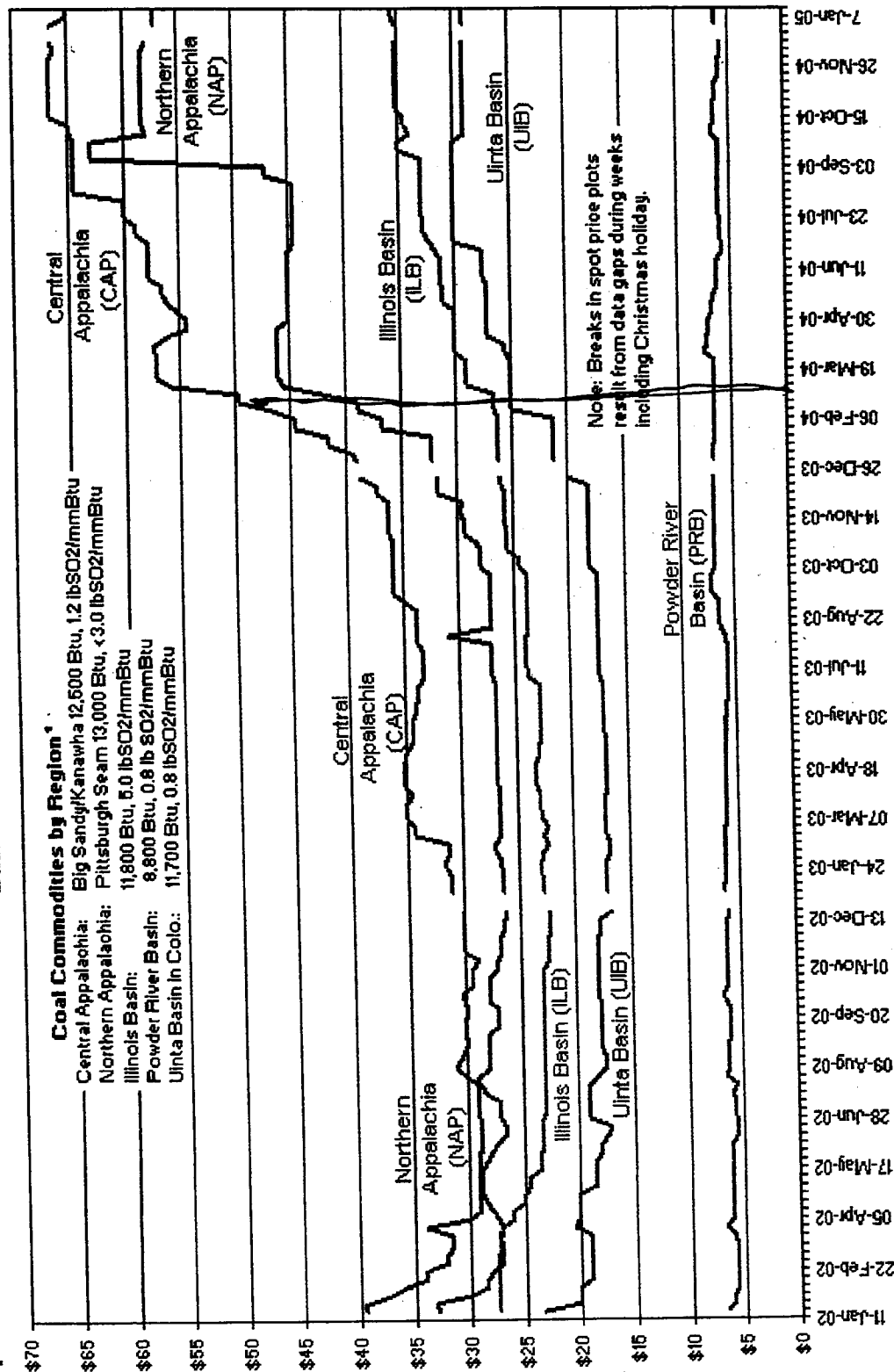
Fuel Matters

January 25, 2005

SCEUC MEETING
Coal Markets and Actual 2004

Average Weekly Coal Commodity Spot Prices **Business Week Ended January 14, 2005**

Dollars
per Ton



¹ Coal prices shown are for a relatively high-Btu coal selected in each region, for delivery in the "prompt" quarter. The "prompt quarter" is the next calendar quarter, with quarters shifting forward after the 15th of the month preceding each quarter's end.
 Source: with permission, selected from listed prices in Platts Coal Outlook, "Weekly Price Survey."

Example of a Current Spot Coal Purchase If Made Today

12,500 BTU/lb Coal , 1% sulfur, Central Appalachian Origin

Price/ fob Mine

\$58.00/ton

Freight

\$14.50/ton

Total Delivered

\$72.50/ton = \$2.90/MMBTU

2004 \$/MMBTU-Delivered Coal Cost

<u>Month</u>	<u>\$/MMBTU</u>
January	2.08
February	1.88
March	1.90
April	2.05
May	2.01
June	2.12
July	1.96
August	2.13
September	2.23
October	2.10
November	2.22
December	2.09

SCEUC MEETING

Fuel Forecasting

COAL BURN PROJECTIONS - December 2004 USING WEIGHTED-AVERAGE COAL COSTS AT ALL PLANTS EXCEPT WILLIAMS

(January 2005 - December 2005)

	(IN TONS OF COAL)												TOTAL
	January	February	March	April	May	June	July	August	September	October	November	December	
Williams	148,699	134,358	154,018	116,417	158,135	152,848	157,664	157,985	152,316	121,829	147,286	149,796	1,751,353
Wateree	155,040	131,104	149,746	127,005	182,654	178,675	183,883	184,372	178,883	153,870	137,579	159,706	1,920,316
Canadys	92,525	82,517	84,050	83,101	97,367	93,125	98,314	98,337	63,763	49,720	63,326	86,086	892,232
McMeekin	56,995	49,711	44,296	50,926	61,753	59,004	61,751	63,041	56,652	55,438	52,649	61,105	673,320
Urquhart	18,257	2,547	0	3,077	22,436	21,381	23,433	23,269	19,642	20,079	14,521	19,320	187,964
Cope	89,994	0	0	68,754	101,523	98,325	102,329	102,748	95,717	101,342	92,783	96,292	949,805
SRS Elec	14,909	13,467	14,909	14,428	14,909	14,428	14,909	14,909	14,428	14,909	14,428	14,909	175,546
SRS Sim	12,052	10,885	12,052	11,663	12,052	11,663	12,052	12,052	11,663	12,052	11,663	12,052	141,897
SRS Total	26,961	24,352	26,961	26,091	26,961	26,091	26,961	26,961	26,091	26,961	26,091	26,961	317,443
	588,472	424,588	459,071	475,372	650,829	629,449	654,336	658,713	591,063	529,039	534,235	599,267	6,792,434
TOTAL													

Resource Planning

12/13/04

12/13/04

Summary

19th December 2004

Status >	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	
2005	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC

Beginning Coal

Receipts

Less cons

Ending Coal

Beginning Coal

Receipts

Less cons

Ending Coal

Beginning Coal

Beginning Coal

Receipts

Less consumed

Ending Coal

TONNAGE PROJECTIONS

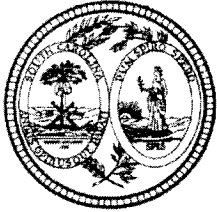
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**FORECAST OF COAL / FREIGHT COSTS
SOUTH CAROLINA ELECTRIC & GAS COMPANY
SOUTH CAROLINA GENERATING COMPANY**

	2005											
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Coal Cost	\$49,36	\$49,12	\$44,45	\$45,00	\$44,77	\$44,48	\$44,72	\$44,07	\$44,74	\$44,74	\$44,86	\$44,74
Freight Cost	\$12,38	\$12,82	\$14,10	\$13,75	\$13,75	\$13,78	\$13,78	\$13,77	\$13,78	\$13,51	\$13,00	\$13,01
Total Cost	\$61,74	\$61,94	\$58,55	\$58,75	\$58,52	\$58,26	\$58,50	\$57,84	\$58,52	\$58,25	\$57,86	\$57,75
BTU	12,437	12,554	12,833	12,629	12,627	12,631	12,633	12,629	12,633	12,633	12,631	12,633
C/MBTU >>	\$2,4821	\$2,4669	\$2,3173	\$2,3280	\$2,3173	\$2,3092	\$2,3154	\$2,3137	\$2,3162	\$2,3055	\$2,3221	\$2,3173
Tons Purchased	708,407	678,000	578,000	588,000	608,000	588,000	578,000	588,000	578,000	578,000	588,000	578,000
Ending Inventory	593,849	847,081	985,990	1,088,618	1,045,709	1,004,340	928,004	869,291	856,228	905,189	958,954	937,887
Cash Needs	\$43,802,478	\$41,995,320	\$33,841,900	\$35,132,500	\$35,590,180	\$34,256,880	\$33,813,000	\$34,947,120	\$33,824,560	\$33,888,500	\$34,492,080	\$33,841,000

	2006											
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Coal Cost	\$43,24	\$43,24	\$42,01	\$43,62	\$44,80	\$44,80	\$45,30	\$45,30	\$45,77	\$45,77	\$45,77	\$45,77
Freight Cost	\$14,21	\$14,21	\$13,68	\$13,34	\$13,89	\$13,89	\$13,83	\$13,93	\$13,91	\$14,00	\$14,00	\$14,00
Total Cost	\$57,45	\$57,45	\$55,69	\$56,96	\$58,70	\$58,70	\$59,23	\$59,23	\$59,68	\$59,77	\$59,77	\$59,77
BTU	12,621	12,621	12,621	12,637	12,637	12,637	12,637	12,637	12,643	12,643	12,643	12,643
C/MBTU >>	\$2,2760	\$2,2760	\$2,2082	\$2,2537	\$2,3281	\$2,3281	\$2,3435	\$2,3435	\$2,3602	\$2,3638	\$2,3638	\$2,3638
Tons Purchased	543,000	543,000	543,000	523,000	523,000	523,000	523,000	523,000	503,000	503,000	503,000	503,000
Ending Inventory	932,428	1,063,566	1,191,480	1,319,184	1,286,590	1,203,957	1,089,262	965,401	900,443	851,419	850,011	827,833
Cash Needs	\$31,185,350	\$31,185,350	\$30,239,870	\$29,790,080	\$30,747,170	\$30,747,170	\$30,977,290	\$30,977,290	\$30,019,040	\$30,064,310	\$30,064,310	\$30,064,310

	2007											
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Coal Cost	\$48,37	\$48,37	\$48,37	\$48,49	\$48,49	\$48,49	\$48,88	\$48,88	\$48,34	\$48,34	\$48,34	\$48,34
Freight Cost	\$14,41	\$14,41	\$14,41	\$14,04	\$14,04	\$14,04	\$14,04	\$14,04	\$14,04	\$14,05	\$14,05	\$13,77
Total Cost	\$62,78	\$62,78	\$62,78	\$62,53	\$62,53	\$62,53	\$62,92	\$62,92	\$62,38	\$62,39	\$62,39	\$62,11
BTU	12,649	12,649	12,649	12,648	12,648	12,648	12,648	12,648	12,648	12,648	12,648	12,648
C/MBTU >>	\$2,4816	\$2,4816	\$2,4816	\$2,4723	\$2,4723	\$2,4723	\$2,4877	\$2,4877	\$2,4664	\$2,4668	\$2,4668	\$2,4557
Tons Purchased	523,000	523,000	523,000	533,000	533,000	533,000	533,000	533,000	533,000	533,000	533,000	533,000
Ending Inventory	802,574	913,712	1,021,626	1,159,310	1,136,736	1,004,103	959,408	845,547	810,589	791,565	820,157	827,979
Cash Needs	\$32,033,940	\$32,033,940	\$32,833,940	\$33,328,490	\$33,328,490	\$33,328,490	\$33,538,360	\$33,538,360	\$33,246,540	\$33,253,870	\$33,253,870	\$33,104,630



Charles L.A. Terreni
Chief Clerk / Administrator
Phone: (803) 896-5133
Fax: (803) 896-5246

The Public Service Commission State of South Carolina

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Docketing Department
Phone: (803) 896-5100
Fax: (803) 896-5199

January 21, 2005

IN RE: DOCKET NO. 2005-2-E –South Carolina Electric & Gas Company – Annual Review of Base Rates for Fuel Costs.

TO: ALL PARTIES OF RECORD

Pursuant to 26 S. C. Code Ann. Regs. 103-869(C)(Supp.2003):

1. The **Applicant** must prefile with the Commission 25 copies of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before **March 2, 2005** (may be post-marked on this date).
2. **All Other Parties of Record** must prefile with the Commission 25 copies of the direct testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before **March 16, 2005** (may be post-marked on this date).
3. Parties filing **Rebuttal Testimony** must prefile with the Commission 25 copies of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before **March 23, 2005** (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on these dates).
4. Parties filing **Surrebuttal Testimony** must prefile with the Commission 25 copies of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before **March 28, 2005** (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on these dates).

Please be advised that failure to comply with the instructions contained herein could result in your proposed witnesses' testimony and exhibits being excluded in the subject proceeding.

Yours Truly,

JAMES E. SPEARMAN, Ph.D.
Executive Assistant to Commissioners/
Sr. Technical Advisor

c: Docketing Department
Legal Dept.
Office of Special Assistants

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-2-E

IN RE:)	
)	
South Carolina Electric & Gas Company -)	CERTIFICATE OF SERVICE
Annual Review of Base Rates for)	
Fuel Costs)	
)	
_____)	

This is to certify that I, an employee of the law firm of Willoughby & Hoefer, P.A., have served this day **Response in Opposition to SMI Steel's and SCEUC'S Joint Motion to Postpone Hearing** upon the persons named below, at the addresses set forth, via the service means indicated:

I. VIA HAND DELIVERY AND E-MAIL

Florence Belser, Esquire
General Counsel
Office of Regulatory Staff
1441 Main Street (Suite 300)
Columbia, SC 29201

Representing South Carolina Energy Users Committee

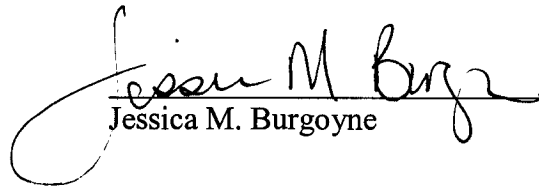
Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, SC 29205

Representing SMI Steel

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II. VIA U.S. MAIL AND E-MAIL

Damon E. Xenopoulos, Esquire
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Handwritten signature of Jessica M. Burgoyne in black ink. The signature is written in a cursive style with a large, looping 'J' and 'B'. Below the signature, the name 'Jessica M. Burgoyne' is printed in a standard serif font.

March 21, 2005
Columbia, South Carolina